

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wynnewood Community Radio Association)	NCE Reserved Allotment Group 47
)	
Application for a New NCE FM Station at)	File No. BNPED-20100225ADV
Wynnewood, Oklahoma)	Facility I.D. No. 184597
)	
and)	
)	
Norman Unitarian Universalist Fellowship)	
)	
Application for a New NCE FM Station at)	File No. BNPED-20100226AJA
Wynnewood, Oklahoma)	Facility ID No. 185094

MEMORANDUM OPINION AND ORDER

Adopted: June 4, 2014

Released: June 5, 2014

By the Commission:

1. The Commission has before it the Application for Review (“AFR”) filed by Wynnewood Community Radio Association (“WCRA”), on February 6, 2014. In the AFR, WCRA seeks review of a January 7, 2014, Media Bureau (“Bureau”) decision¹ that affirmed a prior decision² that: 1) granted Norman Unitarian Universalist Fellowship’s (“NUUF”) Petition to Deny (“Petition”) the application of WCRA for a new noncommercial educational (“NCE”) FM station at Wynnewood, Oklahoma (“WCRA Application”); 2) dismissed the WCRA Application; and 3) accepted for filing NUUF’s competing application.³ In the AFR, WCRA again argues that the Bureau erred in finding that it was ineligible to be an NCE licensee.⁴ WCRA states that the Commission should overturn the Bureau’s decisions and reinstate the WCRA Application.

¹ *Reserved Allotment Group 47*, Letter, 29 FCC Rcd 107 (MB 2014) (“*Reconsideration Decision*”).

² *Reserved Allotment Group 47*, Letter, 1800B3-ATS (MB Jan. 14, 2013) (“*Staff Decision*”). See also *Broadcast Actions*, Report No. 47906 (MB Jan. 16, 2013).

³ NUUF filed a Motion to Strike the AFR on February 21, 2014, maintaining that, because “there are no good grounds to support” the AFR, “it must be assumed to have been filed exclusively for purposes of delay.” *Id.* at 1, citing 47 C.F.R. § 1.52. We disagree and, in the interest of a full and complete record, have considered the AFR on the merits.

⁴ WCRA states that it is an unincorporated association with a sole member, Tony Malaska, and argues that it is an organization qualified to hold an NCE license under 47 C.F.R. § 73.503(a). The *Staff Decision* and *Reconsideration Decision* rejected this argument, finding that WCRA had not demonstrated that it was recognized by the State of Oklahoma or that Oklahoma would recognize an unincorporated association, such as WCRA, consisting of a sole member. *Staff Decision* at 3-4; *Reconsideration Decision*, 29 FCC Rcd at 109-111. WCRA failed to respond to these issues, which were also raised by NUUF in its Motion to Strike, to which WCRA did not file a responsive pleading.

2. Upon review of the AFR and the entire record, we conclude that WCRA has failed to demonstrate that the Bureau erred. We thus uphold the Bureau's decisions for the reasons stated in the *Staff Decision* and the *Reconsideration Decision*.⁵

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,⁶ and Section 1.115(g) of the Commission's Rules,⁷ the Application for Review filed by Wynnewood Community Radio Association, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵ In the *Reconsideration Decision*, the Bureau explained that the exclusion of individuals and sole proprietorships from NCE broadcasting, but not from commercial broadcasting, is tied to major differences between the two services and the need for an organizational structure that will support that distinction. 29 FCC Rcd at 108 n.4. Specifically, an organizational format that is state-recognized provides a system of accountability outside of the Commission for meeting shared not-for-profit goals, generally expressed in publicly available documents (such as corporate articles of incorporation or other documents filed with the state) or organizational meetings, thereby preventing unilateral action for pecuniary gain. *Id.* at 110 n.19. That system of accountability is absent here, where an individual is claiming to be an unincorporated association.

⁶ 47 U.S.C. § 155(c)(5).

⁷ 47 C.F.R. § 1.115(g).